

# SENATE BILL No. 61

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-31.5-2-233.5; IC 35-50-2-18.

**Synopsis:** Permanent disability sentencing enhancement. Defines "permanent disabling harm" and permits imposition of a nonsuspendible sentencing enhancement of five to 10 years if the state proves that a person committed a felony that caused a person to suffer permanent disabling harm.

**Effective:** July 1, 2015.

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## Kruse

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January 6, 2015, read first time and referred to Committee on Corrections & Criminal Law.

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First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE BILL No. 61

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 35-31.5-2-233.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2015]: **Sec. 233.5. "Permanent disabling**  
4 **harm" means serious bodily injury that:**  
5 (1) **results in permanent injury to a person's intellectual,**  
6 **physical, or sensory functioning; and**  
7 (2) **permanently and substantially impairs the person's ability**  
8 **to meet one (1) or more of the ordinary demands of life,**  
9 **including caring for oneself, performing manual tasks,**  
10 **walking, seeing, hearing, speaking, breathing, learning, or**  
11 **working.**  
12 **The term does not include death.**  
13 SECTION 2. IC 35-50-2-18 IS ADDED TO THE INDIANA CODE  
14 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
15 1, 2015]: **Sec. 18. (a) The state may seek, on a page separate from**  
16 **the rest of a charging instrument, to have a person who allegedly**



1 committed a felony sentenced to an additional fixed term of  
2 imprisonment if the state can show beyond a reasonable doubt  
3 that:

4 (1) the felony resulted in permanent disabling harm to  
5 another person; and

6 (2) the person's knowing or intentional act was the proximate  
7 cause of the permanent disabling harm.

8 (b) If the person was convicted of the offense in a jury trial, the  
9 jury shall reconvene to hear evidence in the enhancement hearing.  
10 If the trial was to the court, or the judgment was entered on a  
11 guilty plea, the court alone shall hear evidence in the enhancement  
12 hearing.

13 (c) If the jury (if the hearing is by jury) or the court (if the  
14 hearing is to the court alone) finds that the state has proved beyond  
15 a reasonable doubt that:

16 (1) the felony resulted in permanent disabling harm to  
17 another person; and

18 (2) the convicted person's knowing or intentional act was the  
19 proximate cause of the permanent disabling harm;

20 the court may sentence the convicted person to an additional fixed  
21 term of imprisonment of between five (5) years and ten (10) years.  
22 An additional fixed term imposed under this subsection is  
23 nonsuspendible.

